

REMARKS

Rejection of the claims under 35 USC § 103

Claims 11 and 13-18 have been rejected under 35 U.S. C. 103 as being unpatentable over Zimmer (Methods, 1999) in view of Vaish et al (NAR 1998) and Zhang et al (Human Gene Therapy 1999). The Examiner states that Zimmer et al. is interpreted to teach that vessel permeability is increased using their method because the oligonucleotide reached the liver. It remains the Applicants' opinion that the method taught by Zimmer et al. does not result in increase permeability of vessels within a target tissue and that the Applicant's method provides for an improvement in delivery over the method taught by Zimmer et al. In support of this opinion, Applicants have provided a Declaration under 37 C.F.R. 1.132. Further, Applicants have amended claim 11 to clarify the difference between their method and that taught by Zimmer et al.

The Action further states that the claim does not recite that it is the volume of the injected solution and not the needle which increases permeability in the target tissue. Applicants respectfully disagree. It is the Applicants' opinion that "wherein the rate of injection and the volume of the solution increase permeability of a vessel within the target tissue" clearly states that it is the injection volume and injection rate which combine to increase vessel permeability, as supported in the specification on page 3 lines 15-17 and page 7 line 2 to page 8 line 2. Nevertheless, Applicants' have amended the claim to further clarify that it is the volume and rate of the injection, and therefore not the needle, which increases vessel permeability within the target tissue. Hydrostatic pressure is pressure exerted by a fluid. While the injection of Zimmer et al. causes a minor, insignificant, increase in the volume of fluid in the vessel, the volume injected by Zimmer et al. is too small to cause an increase in hydrostatic pressure sufficient to cause an increase in vascular permeability within the liver. Support for hydrostatic pressure can be found in the specification on page 3 lines 15-17.

In light of the amendments and arguments, Applicants request reconsideration of the §103 rejection.

Appl. No. **10/007,459**  
Amdt. dated **02/12/2008**  
Reply to Office action of **10/09/2007**

The Examiner's objections and rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 11, 14-16 and 18 should be allowable.

Respectfully submitted,

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I hereby certify that this correspondence is being  
transmitted to the USPTO on this date: Feb. 12, 2008.

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